

June 19, 2018

Sean McDonough
Ecotone, Inc.
129 Industry Lane
Forest Hill, MD 21050

Re: Troyer Farms, LLC
Forest Buffer Variance
Tracking # 03-18-2744

Dear Mr. McDonough:

A request for a variance from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains was received by this Department of Environmental Protection and Sustainability (EPS) on June 18, 2018. This request proposes to impact Third Mine Branch and other resources within a Forest Buffer on the referenced property for the purpose of creating and restoring wetlands that will offset wetland impacts on the Campbell Boulevard Extended Phase III and Tradepoint Atlantic BGE Fitzell Substation development sites.

In evaluating your request, we considered project purpose and need information you submitted regarding the overall effects of the mitigation project to Third Mine Branch. The proposed project will involve an ecosystem approach whereby the floodplain will be reconnected to Third Mine Branch, wetlands will be established in the restored floodplain, and riparian and wetland vegetation will be planted along the stream to establish, over time, a naturally forested stream corridor. The end result will be substantial reduction in downstream sediment transport, improved water quality, and improved wildlife and fish habitat.

This Department has reviewed your request, and has determined that a practical difficulty exists because resource impacts for this project are unavoidable. We have also determined that the potential for impacts to water quality and aquatic resources as a result of this proposal have been minimized. Therefore, we hereby grant this request in accordance with Section 33-3-106 of the Baltimore County Code, with the conditions listed below:

1. The following note must appear on all plans submitted for this project:

“A variance was granted by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality,

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Streams, Wetlands and Floodplains. Conditions were placed on this variance to reduce water quality impacts.”

2. A Forest Buffer Protection Plan (FBPP) shall be incorporated into the sediment control plan for the project. An Environmental Agreement shall be signed, and a security equal to 110% of the cost of constructing the project shall be posted prior to grading permit issuance.
3. Prior to grading permit approval, an Environment Agreement shall be signed, and a Forest Buffer Protection security shall be posted, in accordance with the attached Forest Buffer Protection security policy.
4. Release of the FBPP security will be in accordance with the EPS Environmental Agreement policy.
5. All State and Federal permits to impact waterways, wetlands and associated buffers shall be obtained prior to grading permit approval.
6. All work required as a condition of this variance approval shall be completed as required in timeframes established on the FBPP and in State and Federal permits.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and an amended variance request.

Please have the property owner sign the statement below/on the next page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Patricia Farr or Regina Esslinger at (410) 887-3980.

Sincerely yours,

David V. Lykens
Deputy Director

c: Rahee Famili
Wallace Lippincott
Regina Esslinger

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I/we agree to the above conditions to bring the Troyer Farms, LLC property into compliance with the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

_____ Property Owner	_____ Date	_____ Property Owner	_____ Date
_____ Printed Name		_____ Printed Name	

_____ Ecotone, Inc. Representative	_____ Date
_____ Printed Name	